

Decision 02-03-013 March 6, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Global
Broadband, Inc. for Authority to Operate as a
Provider of Facilities-Based Local Exchange
Telecommunications Service within the State of
California.

Application 00-09-056
(Filed September 26, 2000)

**OPINION DISMISSING APPLICATION
FOR FAILURE TO PROSECUTE**

I. Summary

Global Broadband, Inc. (Applicant) filed this application for a certificate of public convenience and necessity (CPCN) under Pub. Util. Code § 1001 for authority to provide local exchange telecommunications service. By this decision, we dismiss the application for failure to prosecute.

II. Discussion

Applicant filed its application on September 26, 2000, requesting authority to provide local exchange service. The application did not contain all of the information required for approval. On October 20, 2000, the assigned Administrative Law Judge (ALJ) faxed a request for additional information to Applicant's consultant. No response was received. On September 25, 2001, the ALJ faxed a letter to Applicant asking whether it wanted to pursue the application. Applicant did not respond. On December 3, 2001, the ALJ issued a ruling that required Applicant to indicate whether it wanted to pursue the application. Applicant was ordered to respond by December 20, 2001. Applicant

did not file a response. This application should not be left open indefinitely, as Applicant has been given a full opportunity to pursue this matter, and has not done so. Therefore, the application shall be dismissed for failure to prosecute. This order will be made effective immediately in order to clear this application from the Commission's list of active proceedings.

III. Comments on Draft Decision

The draft decision of ALJ Jeffrey P. O'Donnell in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Commission's Rules of Practice and Procedure. No comments were filed.

Findings of Fact

1. Applicant failed to respond to the ALJ's October 20, 2000 request for information.
2. Applicant failed to respond to the ALJ's September 25, 2001 inquiry as to whether it wanted to pursue the application.
3. Applicant failed to respond to the ALJ's December 3, 2001 ruling.

Conclusions of Law

1. The application should not be left open indefinitely.
2. Applicant has failed to prosecute the application.
3. The application should be dismissed.
4. This order should be made effective immediately in order to clear this application from the Commission's list of active proceedings.

O R D E R

IT IS ORDERED that:

1. Application 00-09-056 is dismissed.
2. This proceeding is closed.

This order is effective today.

Dated March 6, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners